

1 D. EDWARD HAYS, #162507
ehays@marshackhays.com
2 LAILA MASUD, #311731
lmasud@marshackhays.com
3 BRADFORD N. BARNHARDT, #328705
bbarnhardt@marshackhays.com
4 MARSHACK HAYS LLP
870 Roosevelt
Irvine, CA 92620
5 Telephone: (949) 333-7777
6 Facsimile: (949) 333-7778

7 Attorneys for Creditor,
HOUSER BROS. CO. dba RANCHO DEL
8 REY MOBILE HOME ESTATES

9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re

12 JAMIE LYNN GALLIAN,

13 Debtor.

District Court Case No. 22-cv-01454-ODW
[Bankruptcy Case No. 8:21-bk-11710-ES]

Chapter 7

STIPULATION TO DISMISS APPEAL
WITHOUT PREJUDICE

[Notice of Appeal filed in Bankruptcy Court on
August 4, 2022, as Dk. No. 169]

[NO HEARING REQUIRED]

17
18 TO THE HONORABLE OTIS D. WRIGHT, II, UNITED STATES DISTRICT COURT JUDGE,
19 JAMIE LYNN GALLIAN, AND ALL INTERESTED PARTIES:

20 Appellee, HOUSER BROS. CO., a California limited partnership dba RANCHO DEL REY
21 MOBILE HOME ESTATES (“Houser Bros.”), together with Appellant and Debtor, Jamie Lynn
22 Gallian (“Ms. Gallian,” and together with Houser Bros., the “Parties”) enter into this stipulation
23 (“Stipulation”) to dismiss this appeal without prejudice.

24 **RECITALS**

25 A. On May 12, 2022, as Bankruptcy Court Dk. No. 95, Houser Bros. Co. dba Rancho
26 Del Rey Mobile Home Estates (“Houser Bros.”) filed a “Motion Objecting to Debtor’s Claimed
27 Homestead Exemption” (“Homestead Motion”).
28

1 B. On June 1, 2022, as Bankruptcy Court Dk. No. 105, Debtor filed “Debtors Reply
2 Opposition, Memorandum of Points and Authorities to Houser Bros. Co. dba Rancho Del Rey
3 Mobile Home Estates’ Motion Objecting to Debtor’s Claimed Homestead Exemption and Joinder
4 Parties Huntington Beach Gables HOA; Janine Jasso” (“Homestead Opposition”).

5 C. On July 21, 2022, at 10:30 a.m., the Bankruptcy Court held a continued hearing on
6 the Motion. During the hearing, the Court orally granted the Homestead Motion for the reasons
7 stated in its tentative ruling.

8 D. On August 4, 2022, as Dk. No. 169, Debtor filed a “Notice of Appeal and Statement
9 of Election” (“Third Notice of Appeal”) regarding a “Ruling 7/21/22, Bankruptcy Court sustained
10 interested party, Houser Bros. dba Rancho Del Rey Mobilehome Estates and joinder’s objection to
11 Debtor’s Declared Homestead and Debtor’s Homestead Election”

12 E. On August 4, 2022, as Bankruptcy Court Dk. No. 176, Houser Bros. filed an Optional
13 Appellee Statement of Election to Proceed in U.S. District Court.

14 F. On August 4, 2022, as Bankruptcy. Court Dk. No. 170, Houser Bros. filed a Response
15 to Debtor’s Motion for Reconsideration of 7-21-22 Order Sustaining Houser Bros. Co. dba Rancho
16 Del Rey Mobile Home Estates Objection to Debtor’s Claimed Homestead Exemption (“Response”).

17 G. On August 5, 2022, as Bankruptcy Court Dk. No. 177, the Court entered an order
18 granting the Homestead Motion (“Order”).

19 H. On August 18, 2022, the Bankruptcy Court held a hearing on Debtor’s Motion for
20 Reconsideration. During the hearing, the parties agreed that Debtor’s Appeal would be dismissed
21 without prejudice so that the motion for reconsideration could be heard on the merits. The Court
22 continued the hearing to September 22, 2022.

23 **Stipulation**

24 The Parties agree and STIPULATE as follows:

- 25 1. Debtor’s Appeal shall be dismissed without prejudice;
- 26 2. Debtor may file an appeal of the Order and/or any order on her Reconsideration
27 Motion in the Bankruptcy Court on or before the date that is 14 days after entry of the order on
28 the Reconsideration Motion pursuant to Rule 8002 of the Federal Rules of Bankruptcy Procedure;

1 3. Each party shall bear its own attorneys' fees and costs with respect to this appeal;
2 and

3 4. This Stipulation may be executed in one or more counterparts and facsimile or
4 electronic signatures may be used when filing this document with the Court.
5

6 DATED: August 29, 2022

MARSHACK HAYS LLP

/s/ D. Edward Hays

By: _____

D. EDWARD HAYS

Attorneys for Creditor,

HOUSER BROS. CO. dba RANCHO DEL

REY MOBILE HOME ESTATES

11
12 DATED: August 29, 2022

By: _____

Jamie Lynn Gallian
JAMIE LYNN GALLIAN

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this District Court proceeding. My business address is: 870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: STIPULATION TO DISMISS APPEAL WITHOUT PREJUDICE will be served or was served **(a)** on the judge in chambers in the form and manner required by L.R. 5-4 in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and L.R 5-3.3, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 29, 2022**, I checked the CM/ECF docket for this case and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **August 29, 2022**, I served the following persons and/or entities at the last known addresses in this case by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 (d)(3) and/or controlling L.R. 5-4, on **August 29, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 29, 2022
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Robert P Goe

rgoe@goeforlaw.com,kmurphy@goeforlaw.com

D Edward Hays

ehays@marshackhays.com,kfrederick@ecf.courtdrive.com,cmendoza@marshackhays.com,cme
ndoza@ecf.courtdrive.com,ehays@ecf.courtdrive.com

2. SERVED BY UNITED STATES MAIL: CONTINUED:

Jamie Lynn Gallian

16222 Monterey Lane Unit 376

Huntington, CA 92649

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE
TRANSMISSION OR EMAIL: CONTINUED:**

VIA PERSONAL DELIVERY:
MANDATORY CHAMBERS COPY

4894-6819-2557, v. 1